

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MORGANN WANHA,)	
)	CIVIL ACTION
Plaintiff,)	FILE NO. _____
)	
v.)	
)	DEFENDANT'S NOTICE OF
)	REMOVAL PURSUANT TO
)	28 U.S.C. §§ 1331, 1332, 1367, 1441
)	and 1446.
GLOBAL LENDING SERVICES,)	
LLC,)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

TO: The Judges of the United States District Court for the Northern District of Georgia, Atlanta Division

TO: Plaintiff Morgann Wanha

Pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441 and 1446, Defendant Global Lending Services, LLC ("GLS") hereby submits this Notice of Removal, showing the following:

BACKGROUND

On March 29, 2018, Plaintiff Morgann Wanha ("Plaintiff") filed a Complaint for Damages (the "Complaint") and thereby initiated a civil action

against GLS in the State Court of Fulton County, Georgia as Civil Action No. 18EV001397 (the “State Court Action”). Plaintiff served GLS on April 6, 2018. GLS now files this Notice of Removal to the Northern District of Georgia, Atlanta Division. As required by 28 U.S.C. § 1446(a), copies of all process, pleadings and orders in the State Court Action are attached to this Notice of Removal as “**Exhibit 1**”.

BASIS FOR REMOVAL

A. Federal-Question and Supplemental Jurisdiction.

Plaintiff alleges two claims in her Complaint: (A) violations of the Telephone Consumer Protection Act (“TCPA”); and (B) attorney fees and legal expenses pursuant to O.C.G.A. § 13-6-11. The first claim is removable pursuant to the Federal-Question Statute and this Court has supplemental jurisdiction over the second claim.

28 U.S.C. § 1331, provides that “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. The Eleventh Circuit has ruled that federal courts have jurisdiction over TCPA claims under 28 U.S.C. § 1331. Osorio v. State Farm Bank, F.S.B., 746 F.3d 1242, 1249 (11th Cir. 2014); see Mims v. Arrow Fin. Servs., LLC, 565 U.S. 368 (2012). This Court has supplemental

jurisdiction over the second claim for attorney fees and legal expenses because it arises out of the same facts as Plaintiff's TCPA claim such that it forms part of the same case or controversy. 28 U.S.C. § 1367(a).

B. Diversity Jurisdiction.

This case is also removable under 28 U.S.C. § 1332, which provides in relevant part that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States; . . .” 28 U.S.C. § 1332(a)(1).

Plaintiff's Complaint alleges total damages in the amount of \$201,000.00, which includes \$67,000.00 for violation of 47 U.S.C. § 227(b)(3)(B), and \$134,000.00 for violation of 47 U.S.C. § 227(b)(3). See Complaint at ¶ 24. As the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, the amount in controversy requirement of 28 U.S.C. § 1332 is satisfied.

For purposes of diversity jurisdiction under 28 U.S.C. § 1332(a)(1), Plaintiff is a citizen of Georgia. See Complaint at ¶ 2. The Complaint alleges that the sole defendant, GLS is a citizen of a state other than Georgia. See Complaint at ¶ 3. GLS is a Delaware limited liability company, with its principal place of

business located in the State of South Carolina.

C. Other General Requirements for Removal

The Notice of Removal is timely under 28 U.S.C. § 1446(b) because GLS was served on April 6, 2018. GLS has not answered or otherwise appeared in the State Court Action.

Venue properly lies with this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), as this action was pending in the State Court of Fulton County, Georgia, which is situated within the Northern District of Georgia, Atlanta Division.

GLS's counsel has filed a Notice of Filing Removal Action in the State Court Action and served Plaintiff's counsel.

WHEREFORE, GLS submits this Notice of Removal of the State Court Action to this Court.

RESPECTFULLY SUBMITTED this 4th day of May, 2018.

Prepared by:

/s/ Bret T. Thrasher

BRET T. THRASHER

Georgia Bar No. 710682

VIRAJ P. DESHMUKH

Georgia Bar No. 925812

For the firm:

THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.

40 Technology Parkway South, Suite 300

Peachtree Corners, Georgia 30092

(770) 925-0111

bthrasher@tokn.com

vdeshmukh@tokn.com

Attorneys for Defendant

CERTIFICATE OF TYPE SIZE AND STYLE

Counsel certifies that the size and style of type used in the foregoing document is Times New Roman 14 point.

/s/ Bret T. Thrasher

BRET T. THRASHER

Georgia Bar No. 710682

For the firm of

THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.

40 Technology Parkway South, Suite 300

Peachtree Corners, Georgia 30092

770-925-0111; fax 770-925-8597

Attorney for Defendant

Email: bthrasher@tokn.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of **NOTICE OF REMOVAL** upon counsel for the parties by U.S. Mail, proper postage affixed thereto and addressed to:

Richard F. Evins
The Evins Law Firm, LLC
567 Seminole Drive NE
Marietta, GA 30060
Attorney for Plaintiff

This 4th day of May, 2018.

/s/ Bret T. Thrasher
BRET T. THRASHER
Georgia Bar No. 710682

For the firm of
THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.
40 Technology Parkway South, Suite 300
Peachtree Corners, Georgia 30092
770-925-0111; fax 770-925-8597
Attorney for Defendant
Email: bthrasher@tokn.com